

Senator Jon J. Greiner proposes the following substitute bill:

UNDERGROUND UTILITIES FACILITIES

AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon J. Greiner

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses the installation and location of sewage facilities.

Highlighted Provisions:

This bill:

- ▶ requires the location of certain sewage facilities by a sewage facility operator even if the facility is not owned by the operator;
- ▶ addresses the manner of locating sewage facilities;
- ▶ addresses liabilities of a sewage facility operator;
- ▶ requires certain sewage facilities to be installed with the ability to be located; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2009.

Utah Code Sections Affected:

AMENDS:

54-8a-5, as last amended by Laws of Utah 1998, Chapter 198



26 **54-8a-10**, as last amended by Laws of Utah 1993, Chapter 87

27
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **54-8a-5** is amended to read:

30 **54-8a-5. Marking of underground facilities.**

31 (1) (a) Within 48 hours of the receipt of the notice required by Section 54-8a-4, the
32 operator shall:

33 (i) mark the location of its underground facilities in the area of the proposed
34 excavation; or

35 (ii) notify the excavator that the operator does not have any underground facilities in
36 the area of the proposed excavation.

37 (b) The underground facilities shall be marked with stakes, paint, or in some other
38 customary way, indicating, at the option of the operator, either:

39 (i) the approximate centerline of the underground facility; or

40 (ii) the approximate outside dimensions of both sides of the underground facility.

41 (2) (a) The operator is not required to mark the underground facilities within 48 hours
42 if:

43 (i) the proposed excavation:

44 (A) is not clearly described by a street address or description and is not marked as
45 provided in Subsection 54-8a-4(3);

46 (B) is located in a remote area;

47 (C) is an extensive excavation; or

48 (D) presents other constraints that make it unreasonably difficult for the operator to
49 comply with the marking requirements of this section; or

50 (ii) the operator is not able to readily locate the underground facilities from the surface
51 with standard underground detection devices.

52 (b) If the operator cannot proceed with the marking because of a situation described in
53 Subsection (2)(a), the operator shall contact the excavator within 48 hours and request a
54 meeting at the proposed excavation site or some other mutually agreed upon location.

55 (c) For the situations described under Subsections (2)(a)(i)(A) and (2)(a)(i)(B), the
56 meeting will constitute the beginning of a new 48-hour period within which the operator must

mark the underground facilities.

(d) For the situations described under Subsections (2)(a)(i)(C) and (2)(a)(i)(D), the meeting will constitute the beginning of a new 48-hour period within which the operator must begin marking the underground facilities.

(e) For the situation described under Subsection (2)(a)(ii), the excavator and operator shall agree on a plan of excavation designed to prevent damage to the operator's underground facilities. Notwithstanding the agreement, the excavator shall proceed in a manner that is reasonably calculated to avoid damage to the underground facilities.

(3) The markings required by this section shall conform to the following color code for each type of installation:

(a) safety red - electric power;

(b) safety yellow - gas, oil, a dangerous material or product, or steam;

(c) safety orange - communications or cable television;

(d) safety blue - water or slurry; and

(e) safety green - sewer.

(4) Each marking is valid for not more than 14 calendar days from the date notice is given.

(5) If multiple lines exist:

(a) the markings must indicate the number of lines; or

(b) all lines must be marked.

(6) (a) This section's location requirements apply to the operator of a sewage facility regardless of whether the operator owns the sewage facility if the sewage facility is located in a public street, alley, right-of-way dedicated to public use or in a public utility easement.

(b) Location under Subsection (6)(a) shall be made:

(i) by reference to any installation records for the facility; and

(ii) in compliance with this section.

(c) This Subsection (6) does not require that the operator of a sewage facility clean, unstop, or otherwise repair any sewage facility that is not owned by the operator.

Section 2. Section **54-8a-10** is amended to read:

54-8a-10. Installation of fiberoptic, nonmetallic, and sewage facilities.

(1) Any operator utilizing a fiberoptic or other nonmetallic facility shall install the

88 fiberoptic or other nonmetallic facility so that it can be located with standard underground
89 facility detection devices or in a concrete conduit system.

90 (2) A sewage facility installed in a public street, alley, or right-of-way dedicated to
91 public use or in a public utility easement shall be installed with the ability to be located with
92 standard underground detection devices whether the facility is a sewage main, lateral,
93 distribution line, or other sewage facility.

94 Section 3. **Effective date.**

95 This bill takes effect on July 1, 2009.

S.B. 127 1st Sub. (Green) - Underground Utilities Facilities Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
